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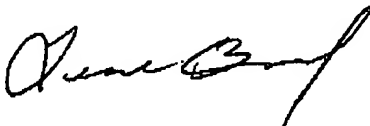
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**FACSIMILE TRANSMISSION COVERSHEET**

DATE: February 14, 2006

TO: Mail Stop 16  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RE: U.S. Patent Application No. 09/994,495  
For: CAPSULE AND TRAY SYSTEMS FOR COMBINED SAMPLE  
COLLECTION, ARCHIVING, PURIFICATION, AND PCR  
Filed: November 26, 2001  
ABI Ref: 4734US  
Our Ref: 5010-017

FROM: Leonard D. Bowersox 

FAC. NO.: (571) 273-6500

**NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 3**Items Attached: Transmittal Form 1 Page  
Request for Refund 1 Page

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Donald S. Prater  
Name (Print)  
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PTO/SB/21 (08-00)

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/994,495			
		Filing Date	November 26, 2001			
		First Named Inventor	Ralph Somack			
		Group Art Unit	1744			
		Examiner Name	William H. Belsner			
Total Number of Pages in This Submission	2	Attorney Docket Number	5010-017			
ENCLOSURES (check all that apply)						
<table border="0"> <tr> <td> <input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.53         </td> <td> <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition For Extension of Time  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation  <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input checked="" type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)  <input type="checkbox"/> After Allowance Communication to Group         </td> <td> <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Acknowledgement Postcard  <input type="checkbox"/> Other Enclosure(s) (please identify below):   <div style="text-align: right;">Customer No. 35411</div> </td> </tr> </table>				<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition For Extension of Time <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Acknowledgement Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below):  <div style="text-align: right;">Customer No. 35411</div>
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition For Extension of Time <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Acknowledgement Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below):  <div style="text-align: right;">Customer No. 35411</div>				
Remarks						
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT						
Firm or Individual name	Leonard D. Bowersox					
Signature						
Date	February 14, 2006					
CERTIFICATE OF MAILING						
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Type or printed name	Donald S. Prater					
Signature		Date	February 14, 2006			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which has to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on this amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Commissioner for Patents, Washington, D.C. 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-768-6199) and select option 2.

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Donald S. Prater  
Name (Print)

  
Signature

2006 FEB 15 PM 4:23  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	09/994,495	Confirmation No.:	1098
Applicants	:	Ralph SOMACK et al.		
Filed	:	November 26, 2001		
TC/A.U.	:	1744		
Examiner	:	William H. BEISNER		
Attorney Docket No.	:	5010-017		
Customer No.	:	35411		

REQUEST FOR REFUND

Mail Stop 16  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

February 14, 2006

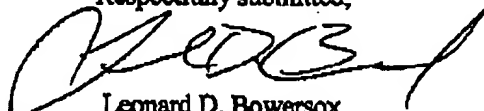
Sir:

The undersigned respectfully requests a refund of \$500.00, which was erroneously charged to the undersigned's Deposit Account No. 50-0925.

Applicants filed an Applicants Brief with fees on August 9, 2005, which resulted in a Notice of Non-Compliance mailed November 1, 2005. In response to the Notice, an Appeal Brief was resubmitted on December 1, 2005. The USPTO then charged another \$500.00 fee. The cover page of the Resubmission listed the above chronology, and Applicants believe only one appeal brief fee is proper.

The undersigned respectfully requests a refund of \$500.00.

Respectfully submitted,



Leonard D. Bowersox  
Reg. No. 33,226

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12-02-03  
Date: December 1, 2005 Label No. EV333351643US

I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

LISS A. Gallimore  
Name (Print)

Signature

DEC 01 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/994,495 Confirmation No.: 1098  
Applicants : Ralph SOMACK et al.  
Filed : November 26, 2001  
TC/A.U. : 1744  
Examiner : William H. BEISNER  
  
Attorney Docket No. : 5010-017  
Customer No. : 35411

**RESUBMISSION OF BRIEF FOR APPELLANTS**

Mail Stop Appeal Briefs-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This resubmitted appeal is in response to the Examiner's Notification of Non-Compliant Appeal Brief, mailed November 1, 2005. The appeal is from the decision of the Primary Examiner, dated February 7, 2005, finally rejecting claims 1-19, 48, and 49, which are reproduced as the claims Appendix in this brief.

A Notice of Appeal and the required Notice of Appeal fee of \$500.00 were filed on May 9, 2005. The fee for filing an appeal brief of \$500.00 pursuant to 37 C.F.R. § 41.20(b)(2) was filed on August 9, 2005. Two (2) extra copies of this brief are being filed herewith.

It is believed that no additional fee(s) are due at this time. If any additional fee(s) are due, the Commissioner is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-0925.

Adjustment Date: 03/23/2006 SDIRETA1  
12/05/2005 MBIZUNES 00000050 500925 09994495  
01 FC:1402 500.00 CR

Respectfully submitted,

Leonard D. Bowersox, Esq.  
Registration No. 33,226

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12/05/2005 MBIZUNES 00000050 500925 09994495  
01 FC:1402 500.00 DA

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